

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DIVISIONIvan Cortes Rueda
(Enter full name of plaintiff)

Plaintiff,

Civil Case No. 2:23-cv-1914JR
(to be assigned by Clerk's Office)

v.

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)Salem Hospital
Andrew J Cleary
Corby W Makin
Bradley W Warner
Ryan S Porter
Woodburn Police Department
Matthew J Stearns
Steve Sloan
Aaron Devoe

Jury Trial Demanded

☒ Yes☐ No

(Enter full name of ALL defendant(s))

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Ivan Cortes Rueda #15695045Street Address: 82911 Bench Access RdCity, State & Zip Code: Umatilla OR 97882

Telephone No.: _____

Defendant No. 1 Name: Salem Hospital
Street Address: 890 Oak St SE
City, State & Zip Code: Salem OR 97301
Telephone No.: 503 561 5200

Defendant No. 2 Name: Andrew J Cleary
Street Address: 890 Oak St SE
City, State & Zip Code: Salem OR 97301
Telephone No.: 503 561 5200

Defendant No. 3 Name: Corby W Makin
Street Address: 890 Oak St SE
City, State & Zip Code: Salem OR 97301
Telephone No.: 503 561 5200

Defendant No. 4 Name: Bradley W Warner
Street Address: 890 Oak St SE
City, State & Zip Code: Salem OR 97301
Telephone No.: 503 561 5200

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

Defendant No 5 Name: Ryan S Porter

Street Address: 890 Oak st se

City, state & zip code: Salem OR 97301

Telephone No: 503 561 5200

Defendant No 6 Name: Woodburn Police Department

Street Address: 1060 Mt Hood Ave

City, state & zip code: Woodburn OR 97071

Telephone No:

Defendant No 7 Name: Matthew J Stearns

Street Address: 1060 Mt Hood Ave

City, state & zip code: Woodburn OR 97071

Telephone No:

Defendant No 8 Name: Steve Sloan

Street Address: 1060 Mt Hood Ave

City, state & zip code: Woodburn OR 97071

Telephone No:

Defendant No 9 Name: Aaron Devoe

Street Address: 1060 Mt hood Ave

City, state & zip code: Woodburn OR 97071

Telephone No:

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

Eight and fourteenth Amendment, Assault and battery
Cruel and unusual punishment clause

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

In the morning of January 1, 2022 at 10:51 AM Plaintiff Ivan, Cortez, Rueda was found seriously wounded in the lower right buttock with what appeared to be a gunshot wound by a fully-metal jacket 9mm when found by friend - Brandi Crab on the sidewalk located at 269 Grove Ave, Gervais OR. Woodburn paramedics were called on scene. Brandi Crab her significant other Diego Chavez, Paramedics and officers that responded on scene, Deputy Sheriff - Cheremnov - Alexn (58668) from the Marion County Sheriff's office along with officer Jared Riehl from the city of Mt Angel witnessed Plaintiff suffering a lot of pain focusing on the bullet wound (right buttock) where he was experiencing pain and with both hands applying pressure where the source of blood and pain was coming from. There was no indication of a exit wound in front of plaintiff as admitted by deputy Sheriff - Cheremnov, Alexn in her report. When hauled by paramedics forcibly in ambulance on route to Salem hospital Paramedics Anesthetized Plaintiff without consent and without notifying Plaintiff what procedure was taking place. Upon arrival to Salem hospital Plaintiff regained consciousness waking to nurses inserting ventilator down Plaintiff's throat. Plaintiff made several attempts to hand gesture to stop the procedure. Plaintiff was in stable condition to breathe properly, nurse ignored plea. At this point Plaintiff made an attempt to remove ventilator himself, nurses then used unnecessary force holding Plaintiff's arms down and anesthetized Plaintiff once more without consent nor notifying Plaintiff. Upon waking up from the anesthesia Plaintiff was in hospital bed having no sensation to entire right leg and foot along with experiencing excruciating -

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Pain in scrotum, testicles and penis. When Plaintiff asked nurse why he was experiencing a lot of pain in his scrotum, testicles and penis area Plaintiff was advised that he had underwent surgery because he had been shot in his lower-right buttock and bullet exited out through scrotum and nearly hit tip of penis. Plaintiff was lost for words

and very confused because he couldn't believe their theory after knowing and being fully aware of the whole incident he experienced. Video footage obtained by woodburn Police department shows plaintiff hopping on left leg being assisted into car. Another residence video footage shows plaintiff being dropped off at sidewalk where plaintiff was found wounded. This malpractice that salem hospital surgeons and nurses committed to plaintiff was followed by a unlawful investigation and detention by woodburn Police department which salem hospital participated in unlawfully detaining plaintiff, making a false exit wound to the original bullet wound that plaintiff was taken to hospital for. There was no consent whatsoever by immediate family, ~~not~~ plaintiff, for defendants to carry the surgery on their own. Physical evidence, surveillance video, clothing, bullet seized by woodburn police department indicate there was no exit wound in the scrotum. Hypothetically speaking plaintiff would not been able to commune to the vehicle to be transported if what salem hospital alleges were true. In addition there was no bullet hole nor blood found in plaintiff's front clothing pants front pockets. Bullet was found caught inbetween plaintiff's wallet -

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

enough that it pierced lower right buttock. Right after the incident transpired plaintiff removed the wallet out of the right back pocket to apply pressure, property was given to mother which was seized by woodburn police detective Matthew I steams who discovered bullet stuck in between wallet as stated in her report salem hospital also alleges xrays were taken that should exhibit solid prove that no bullet traveled into pelvis and out the scrotum wounding the penis as well. Knowing the bullet was a 9mm fully metal jacket if entering the buttock and exiting scrotum bullet would exit in front of plaintiff and would never been recovered in plaintiff's wallet. It would of caused major damage to scrotum as well as penis leaving disfigurement to genitals and testicles not intact. In concluding Plaintiff asserts the district court due to the malpractice defendants made plaintiff endure pain and suffering, mentally anguish, emotional distress, public humiliation, cruel and unusual punishment. Compensate is demanded from each defendant listed below who participated in the malpractice, unlawful investigation and unlawful detention of Plaintiff until authorities made arrest January-01-22 to January-05-22 at Salem hospital, Salem OR

(If you have additional claims, describe them on another piece of paper, using the same outline.)

Provider	Role	Specialty
Andrew J Cleary MD	Admitting Provider Attending Provider	General surgery
Makin, Corby W DO	Attending provider	Emergency medicine
Warner, Bradley W MD	Surgeon	Urology
Porter, Ryan S RN	Registered Nurse	
Mathew J Stearns	Detective	

Oregon Department of Corrections - AIC Mail
Institution T.C.R.C.I SID 15695045
Name Ivan Cortes Rueda
Address 82911 Beach Access Rd
City Umatilla State OR Zip 97882

PORTLAND OR 972

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U.S District Court
1000 SW Third Ave Suite 740
Portland OR 97204

97204-293790

